

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDWARD MOTLEY,

Plaintiff,

v.

PATRICK COVELLO, et al.,

Defendants.

No. 2:24-cv-00002-DJC-EFB (PC)

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. This case proceeds on plaintiff's complaint alleging First Amendment, Eighth Amendment, and state law negligence claims related to allegedly unsanitary food service at the Mule Creek State Prison (MCSP). ECF Nos. 1, 7. Plaintiff has filed two motions for a temporary restraining order and/or preliminary injunctive relief (the "TRO Motions"). ECF Nos. 11, 41. Both TRO Motions request similar relief and indeed the second TRO Motion is captioned as a motion to "renew" the first TRO Motion.

Presently before the court is defendants' ex parte application for leave to file additional briefing on the first TRO Motion. ECF No. 47. Defendants point out that it has been over five months since they provided their brief in opposition to the first TRO Motion (ECF No. 26 (filed April 16, 2025)). They have since taken plaintiff's deposition, and they also maintain that there have been further developments at the prison "that directly and/or indirectly relate to the

1 conditions of the subject dining hall.” ECF No. 47 at 2, 3 (Greene declaration). They argue they
2 should have an opportunity to augment the record given the “massive impact” to operations at the
3 prison if the court were to grant plaintiff’s requested relief which includes closure of Dining Hall
4 B. *Id.* at 2.

5 The court finds defendants’ arguments for leave to supplement to be well-taken, both for
6 the reasons cited by defendants and also because plaintiff has provided additional evidentiary
7 exhibits with his second TRO Motion, filed September 8, 2025 (ECF No. 41). The court will
8 grant defendants’ motion. At their discretion, defendants may submit a single pleading
9 incorporating both their supplemental response to the first TRO Motion (ECF No. 11) as well as
10 their response to the second TRO Motion (ECF No. 41).

11 Defendants should address both 1) the intervening developments which they maintain are
12 relevant to plaintiff’s first TRO motion as well as 2) the evidentiary exhibits submitted with
13 plaintiff’s second TRO motion. The latter includes the declarations provided by MCSP inmates
14 (ECF No. 41 at 5-16) and reports regarding faulty equipment and insufficient hot water in the
15 dining hall (ECF No. 41 at 18-22). The court will sua sponte extend the deadline for response to
16 the second TRO Motion to allow defendants to submit a single pleading responsive to both TRO
17 Motions, should defendants choose to do so.¹

18 ORDER

19 Accordingly, IT IS ORDERED that:

20 1. Defendants’ ex parte application for leave to submit supplemental briefing, ECF No.
21 47, is GRANTED.

22 2. Defendants shall file their supplemental briefing in response to the first TRO Motion
23 (ECF No. 11) no later than October 27, 2025.

24 3. The deadline for defendants to file their response to the second TRO Motion (ECF No.

25 ¹ District courts have inherent power to control their dockets to promote efficient use of
26 judicial resources and “it is common for district courts to sua sponte extend deadlines” for this
27 purpose. *Zest IP Holdings, LLC v. Implant Direct Mfg., LLC*, No. 10cv5410GPC(WVG), 2014
28 WL 6851607, at *25 (S.D. Cal. June 16, 2014) (citations omitted); *see also Barnes v. Blackburn*,
No. 1:20-cv-333-DAD-EPG (PC), 2021 WL 2666068, at *1 (E.D. Cal. June 29, 2021) (court sua
sponte allowed 21 day extension of time to file response).

1 41) is extended to October 27, 2025 so that defendants may at their discretion file a single
2 pleading incorporating both their supplemental response to ECF No. 11 and their response to ECF
3 No. 41.

4 4. Plaintiff shall have until November 10, 2025 to file his reply.

5
6 Dated: October 7, 2025


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE